

Senate Bill 302

By: Senators Hooks of the 14th, Crosby of the 13th and Goggans of the 7th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

To amend Article 1 of Chapter 12 of Title 53 of the Official Code of Georgia Annotated, relating to general provisions relative to trusts, so as to provide that where no distribution has been made from a trust within certain times, the trustee shall notify the district attorney of the circuit in which the trust res is located; to provide that the district attorney shall determine whether the intent of the trust is being furthered; to provide for the filing of a petition to reform the trust; to provide for notification; to provide for an order; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 12 of Title 53 of the Official Code of Georgia Annotated, relating to general provisions relative to trusts, is amended by adding a new Code section to read as follows:

"53-12-8.

In the event that no distribution has been made from a trust in furtherance of the stated purpose of the trust within ten years from the creation of the trust, or within five years from the most recent such distribution, the trustee shall notify the district attorney of the circuit in which the major portion of trust res lies is located. The district attorney shall review the terms of the trust agreement, any expenditures and administrative expenses charged against the corpus of the trust, and all relevant factors. If the district attorney determines that the intent of the trust is not being furthered and is not likely to be accomplished, he or she shall file a petition in the superior court to reform the trust. The trustee and all known beneficiaries of the trust shall be served with notice of such petition and may become parties to the action. If the court determines that the intent of the trust is not being furthered and is not likely to be accomplished, the court shall declare the trust dormant and shall issue an order reforming the trust so as to further the original intent of the trust as closely as possible. Any order of the court shall be binding on the trustee and all beneficiaries."

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SECTION 2.

28 All laws and parts of laws in conflict with this Act are repealed.